

HERTSMERE PLANNING PRIVACY POLICY

Our Planning Team is committed to protecting your privacy when you use our services.

This Privacy Notice explains how we use information about you and how we protect your privacy.

About this Privacy Notice

We take the protection of your personal information very seriously. We take all precautions necessary to ensure that the information we hold on you is held securely and processed in accordance with relevant data protection legislation and our own Council policies and procedures.

This Privacy Notice outlines how we use your information for purposes of Council services in general. It provides the information you need to know to understand how we will process and protect your information, why we need the information, in what circumstances we may share with third parties and outline your legal rights. It also sets out any other important information we feel you need to know.

For the purposes of the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (DPA), Hertsmere Borough Council is considered to be the Data Controller for the personal data and information we hold on individuals, regardless of whether they are residents, private individuals or named individuals within organisations.

This means we have legal obligations to keep personal information safe whether we are processing that information directly, or have commissioned a third party, referred to as a 'Processor' to perform this task on our behalf.

What about commenting on a planning application?

The Council may publish comments received from third parties (such as neighbours, other members of the public, community organisations) about planning applications on its website. To protect personal data from unnecessary disclosure, the Council will remove names, phone numbers, email address and signatures from the information that may be viewed via the website. **Please note that your name and address will be published on our website.**

The Council will not publish defamatory or obscene comments.

What Information do we collect about you?

When determining a planning or related application, the council receives personal information from; the application form, documents of support or objection, the applicant and interested parties. This information will be securely held and the Planning service will take extreme care when publishing personal data or sensitive personal data on the website. The following data will be redacted [blacked out so that it cannot be seen (in all instances, using electronic methods)] or the document withheld. It will not be published on the website:

- signatures (hand written and electronic)
- personal telephone numbers including mobile phone numbers (this does not include commercial or business phone numbers).
- personal email addresses (this does not include commercial or business email address).

- registration plates on motor vehicles
- identification of children's/youth's information (photographs)
- children's names and ages
- identification of vulnerable person(s) including children / youths. For example disability registration / certificates / medical documents.
- any medical or other data about someone's health or wellbeing
- personal financial information (bank statements etc.)

What will your information be used for?

To comply with its statutory obligations, the Council must make public certain details relating to planning applications in the form of a Public Register. Regulations allow this information to be made available on the Internet. The Council is under a statutory obligation to publish, on its website, a list of planning applications. This includes the name and address of the applicant and, where an agent is acting for the applicant, the name and address of that agent.

Further information

Data Controller

Under Data Protection laws, the council is the data controller for the information you provide to us and is registered with the Information Commissioner's Office (ICO) with registration number Z6581644.

You can refer any concerns to the [Information Commissioner's Office's website](#) or write to:

Information Commissioner's Office Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF

Personal data - further information

Personal information can be anything that identifies and relates to a living person. This can include information that when put together with other information can then identify a person. For example, this could be your name and contact details.

Some information is 'special' and needs more protection due to its sensitivity. It's often information you would not want widely known and is very personal to you. This is likely to include anything that can reveal your:

- Sexuality and sexual health
- Religious or philosophical beliefs
- Ethnicity
- Physical or mental health
- Trade union membership
- Political opinion
- Genetic/biometric data
- Criminal history

We do not hold any special personal information in the Planning Team, although other parts of the council may do so.

How the law allows the council to use your information

Data protection law permits the council to collect and use the information you provide us when:

- You, or your legal representative, have given us consent
- You have entered into a contract with us
- It is necessary to perform our public functions and statutory duties
- It is necessary to protect you or someone in an emergency
- It is required by law
- It is necessary for employment purposes
- It is necessary to provide health or social care services
- You have made your information publicly available
- It is necessary for legal cases or to defend legal claims
- It is to the benefit of society as a whole
- It is necessary to protect public health
- It is necessary for archiving, research, or statistical purposes.

In any event, we will only ever ask for information that is necessary for our purposes and does not constitute an invasion of your privacy.

Data protection laws and rules

The personal data collected for your Planning application is for a specific, explicit and legitimate purpose and will not be used for any other purpose without your permission.

Sharing information within the council

When making a comment, please do not include:

- signatures
- contact number
- any information you do not want published online
- comments of a personal, slanderous, defamatory or otherwise offensive or abusive nature

Offensive, racist, discriminatory, threatening and other statements that are not appropriate will not be published.

- Offensive statements lower a person's reputation personally within their trade, profession or business
- Racist statements are those that are offensive or discriminate against individuals on racial grounds, including their race, colour, nationality, ethnic or national origins. Gypsies and other minorities are racial groups.
- Statements that discriminate on grounds of religion, sexuality or disability will also not be published

Comments that include such statements will be returned to you and you will be invited to resubmit removing any defamatory statements.

The council is bound by the Equality Act 2010. This applies to those providing services and public functions. It prohibits direct and indirect discrimination and harassment all of which these types of remarks might amount to.

Sharing with third parties

We may disclose your information to third parties with your consent, or where it is necessary, either to comply with a legal obligation, or where permitted under data protection laws, (i.e. where sharing is necessary for the purposes of fraud and crime prevention).

We may need to share your information with the Planning Inspectorate/Secretary of State when legally required to do so as part of the planning appeals process.

We may also share your personal information when we feel there's a compelling reason that's more important than protecting your privacy. This will not happen often, but we may share your information: in order to detect and prevent crime and fraud; or if there are serious risks to the public, our staff or to other professionals; to protect a child; or to protect vulnerable adults who are thought to be at risk. However the risk must be serious before we can override your right to privacy.

Location of your information

We will not normally transfer any of your information outside of the European Union. But on very rare occasions your information may leave the UK either in order to get to another organisation or if it's stored in a system outside of the EU. We have additional protections to protect your information if it leaves the UK ranging from secure ways of transferring data to ensuring we have a robust contract in place with that particular third party.

We'll take all practical steps to make sure your personal information is not sent to a country that is not seen as 'safe' either by the UK or EU Governments.

How long we keep your information

The council will process the information you provide in a manner that is compatible with the Data Protection Act. We will endeavour to keep your information accurate and up to date and not keep it for longer than is necessary. In some instances the law sets the length of time information has to be kept, but in most cases the council will use its discretion to ensure that we do not keep records outside of our normal business requirements - i.e. providing a service to you.

Only using what we need

Where we can, we'll only collect and use personal information if we need it to deliver a service or meet a requirement.

If we don't need your personal information we'll either keep you anonymous, if we already have it for something else, or we won't ask you for it. For example in a questionnaire or feedback survey we may not always need your contact details and will only collect your survey responses.

If we use your personal information for research and analysis purposes, we'll always keep you anonymous or use a different name unless you've agreed that your personal information can be used for that research.

We will normally publish your name alongside your responses, and may publish the area of the borough in which you live. We will not publish other personal details such as home address, email address and telephone number.

We do not sell your personal information to anyone else.

Your Rights

The law gives you a number of rights to control what personal information is used by us and how it is used by us. You are legally entitled to request access to any of your information that is held by us, or to ask us to limit or stop the processing of your personal information in relation to any council service. Further details about your rights are provided below, however in summary:

You also have the right to:

- Object to processing of personal data that is likely to cause, or is causing you damage or distress
- Prevent the processing of your information for the purposes of direct marketing
- Object to decisions being taken by computers
- In certain circumstances, have inaccurate personal information amended, blocked, erased or destroyed; and
- Claim compensation for damages caused by serious breaches of data protection rules

We will seek to comply with your request but there may be some situations where we will not be able to do this in full for example;

- Where there is a legal requirement or where information held was given in confidence;
- Information a professional thinks will cause serious harm to you or someone else's physical or mental wellbeing; or
- If we think that giving you the information may stop us from preventing or detecting a crime

This applies to personal information that is in both paper and electronic records. If you ask us, we'll also let others see your record (except if one of the points above applies).

If you can't ask for your records in writing, we'll make sure there are other ways that you can. If you have any queries about access to your information please contact DPO@hertsmere.gov.uk or telephone 020 8207 2277.

Deleting your information (right to be "forgotten")

In some circumstances you can ask for your personal information to be deleted, for example:

- Where your personal information is no longer needed for the reason it was collected in the first place
- Where you have removed your consent for us to use your information (where there is no other legal reason us to use it)
- Where there is no legal reason for the use of your information
- Where deleting the information is a legal requirement

Where your personal information has been shared with others, we'll do all we can to make sure those using your personal information also comply with your request for erasure.

You have the right to ask us to restrict what we use your personal information for where:

- You have identified inaccurate information, and have told us of it

- Where we have no legal reason to use that information but you want us to restrict what we use it for rather than erase the information altogether.

Where possible we'll seek to comply with your request, but we may need to hold or use information due to legal obligations.

You will need to contact the Data Protection Officer for requests relating to other council services at DPO@hertsmere.gov.uk or telephone us on 020 8207 2277.

How do we protect your information?

We'll take all possible steps to protect the information we hold records about you (on paper and electronically) in a secure way, and we'll only make them available to those who have a right to see them. Examples of our security include:

- Secure emails: Use of secure email networks to ensure that sensitive information is safely shared.
- Controlling access to systems and networks: Allows us to prevent people not permitted to view your personal information from gaining access to it.
- Staff Training: Allows us to make all our staff aware of how to handle information and how to report incidents or issues regarding the use of information
- Regular testing of our IT systems: And ways of working including keeping up to date on the latest security updates and training all our staff on protecting and using information securely.

Making a complaint about how we are collecting or using your information

We will always try to help you with queries and respond appropriately to all requests regarding the processing of your information.

If you have a concern about the way we are collecting or using your personal data or are not satisfied with the way we handle your requests please raise your concern with us in the first instance to allow us to investigate.

We have a Data Protection Officer who makes sure we respect your rights and follow the law. If you have any concerns or questions about how we look after your personal information, please contact our Data Protection Officer at DPO@hertsmere.gov.uk or by calling 020 8207 2277 and asking to speak to the Data Protection Officer.

If you are still not satisfied with the council's internal review procedure, you can refer your concerns to the [Information Commissioner's Office's website](https://ico.org.uk/) or write to:

Information Commissioner's Office Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF

To request access to your personal information, or to report inaccuracies, or raise a complaint please email us at DPO@hertsmere.gov.uk or telephone us on 020 8207 2277.

Legislation

UKGDPR - General Data Protection Regulations (GDPR)

This new data protection law comes into force on 25 May 2018, and provides additional rights for all citizens within the European Union regarding the way organisations, like the council handle your personal information.

Data Protection Act 2018

Currently this [new data protection law](#) received Royal Assent of 23 May 2018, and came into force on 25 May 2018. It replaces the [Data Protection Act \(1998\)](#). This new law brings the requirements of the GDPR into UK legislation, ensuring that UK data protection rules are in line with EU law.

For further details about the GDPR please visit the [Information Commissioner's Office's website](#).